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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,959	01/10/2002	Kevin D. Fravel	FRAUEL-1	6921
7590	09/05/2007		EXAMINER	
ERIC LAMORTE LAMORTE & ASSOCIATES P.O. BOX 434 YARDLEY, PA 19067			VAN BRAMER, JOHN W	
			ART UNIT	PAPER NUMBER
			3622	
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			09/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/041,959	FRAVEL, KEVIN D.
Examiner	Art Unit	
John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892).	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on July 2, 2007, cancelled no claims. Claims 1-6 and 9-13 were amended and no new claims were added. Thus, the currently pending claims addressed below remain Claims 1-15

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3; 5-10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fajkowski (U.S. Patent Number: 5,905,246).

Claim 1: Fajkowski discloses a method, comprising the steps of:

- a. Providing a database. (Col 23, line 20 through Col 24, line 10)
- b. Registering manufacturers who provide electronic coupons for their manufactured goods in said database, wherein each registered manufacturer is provided with a manufacturer's account. (Col 23, lines 20-64)
- c. Registering retailers who sell said manufactured goods in said database, wherein each registered retailer is provided with a retailer's account. (Col 23, lines 20-64)

- d. Registering consumers who may buy said manufactured goods in said database, wherein each registered consumer is provided with a numbered consumer account and an account card that contains said numbered consumer account. (Col 24, lines 11-53; and Col 29, lines 45-67)
- e. Providing a website where said registered manufacturers post electronic coupons and said registered consumers select from said electronic coupons, wherein said electronic coupons selected by said registered consumers are assigned to consumer accounts for those consumers in said database. (Col 5, lines 14-38; and Col 6, lines 20-43; Col 29, lines 45-67)
- f. Establishing a telecommunications link between a registered retailer and said database when a registered consumer purchases a product at a registered retailer and submits said account card at checkout, wherein data is exchanged through said link that determines if the consumer has previously selected an electronic coupon for said product at said website. (Col 16, lines 11-34)
- g. Discounting said product at the registered retailer by said coupon if said electronic coupon for said product is present in the consumer account for that consumer. (Col 4, lines 15-63)

Claim 2: Fajkowski discloses the method according to claim 1, wherein said step of establishing a telecommunications link includes providing a card reading machine at each of said registered retailers, wherein each said card reading machine reads a consumer account from said account card and queries said database regarding

selected electronic coupons in that consumer account. (Col 22, lines 10-48; and Col 23, line 65 through Col 24, line 10)

Claim 3: Fajkowski discloses the method according to claim 1, further including the step of charging each registered manufacturer who posts an electronic coupon on said website. (Col 23, lines 20-64)

Claim 5: Fajkowski discloses the method according to claim 1, further including the step of reimbursing registered retailers for electronic coupons redeemed using consumer account cards. (Col 23, lines 20-64)

Claim 6: Fajkowski discloses a method comprising the steps of:

- a. Providing a website where manufacturers post electronic coupons and consumers select posted electronic coupons. (Col 6, lines 20-43; and Col 29, lines 45-67)
- b. Providing a database that stores electronic coupons selected by consumers establishing a telecommunications link between a retailer and said database when a consumer purchases a product from that retailer. (Col 125, lines 10-41; and Col 23, lines 20-64)
- c. Downloading data regarding an electronic coupon selected by a consumer from said database to said retailer over said link if said consumer is purchasing a product for which said consumer has previously selected an electronic coupon at

said website, wherein said retailer can honor said coupon. (Col 15, lines 10-41; Col 16, lines 12-50; Col 17, line 22 through Col 18 line 25; and Col 23, lines 20-64)

Claim 7: Fajkowski discloses the method according to claim 6, further including the step of registering consumers who want to select electronic coupons from said website and providing each registered consumer with a card. (Col 3, line 51 through Col 4, line 14)

Claim 8: Fajkowski discloses the method according to claim 7, wherein said step of establishing a telecommunications link includes the sub-steps of: providing a card reading machine capable of exchanging data with said database; and scanning said card of a consumer through said card reading machine. (Col 16, lines 12-34)

Claim 9: Fajkowski discloses the method according to claim 8, wherein said step of downloading data includes the sub-steps of: downloading data regarding an electronic coupon to said card reading machine; exchanging said data between said card reading machine and a cash register; comparing said coupon to products being purchased by a consumer; and deducting a coupon value if a coupon corresponds to a product being purchased. (Col 125, lines 10-41; Col 16, lines 12-50; Col 17, line 22 through Col 18 line 25; and Col 23, lines 20-64)

Claim 10: Fajkowski discloses the method according to claim 6, further including the step of charging each manufacturer who posts an electronic coupon on said website. (Col 23, lines 20-64)

Claim 12: Fajkowski discloses the method according to claim 6, further including the step of reimbursing retailers for electronic coupons redeemed. (Col 23, lines 20-64)

Claim 13: Fajkowski discloses the method according to claim 6, further including the step of registering manufacturers who provide electronic coupons for their products in said database, wherein each registered manufacturer is provided with a manufacturer's account and enabling only registered manufacturers to post electronic coupons at said website. (Col 23, lines 49-64)

Claim 14: Fajkowski discloses the method according to claim 13, further including the step of registering retailers who sell said products of said registered manufacturers, wherein each registered retailer is provided with a retailer's account and enabling only registered retailers the ability to redeem said electronic coupons. (Col 23, lines 49-64)

Claim 15: Fajkowski discloses the method according to claim 13, further including the step of registering consumers, wherein each registered consumer is provided

with a numbered consumer account and an account card that contains said numbered consumer account. (Col 3, line 51 through Col 4, line 14)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fajkowski (U.S. Patent Number: 5,905,246).

Claims 4 and 11: Fajkowski discloses the method according to claims 3 and 6 respectively. Additionally Fajkowski discloses that manufacturers are registered (Col 23, lines 49-64) and redemption charges are presented to the manufactures (Col 23, lines 20-64). While Fajkowski does not specifically state that manufacturers are charged based upon the number of electronic coupons that are distributed to customers, it is disclosed that the operator of the system is a "service provider" (Col 23, lines 49-64) and that manufactures typically spend advertising dollars in order to market coupons to the public (Col 1, lines 25-64). Additionally, it is well known that providers of marketing services often charge on based upon the number of customers reached. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to charge manufactures based upon the number of coupons that were downloaded by the services customers. The rational for charging in this manner is to directly correlate the manufacturer fee with the number of coupons provided and thereby provide the manufacturer with statistically measurable results for each type of coupon provided.

***Response to Arguments***

6. Applicant's arguments filed July 2, 2007 have been fully considered but they are not persuasive. The applicant argues that the Fajkowski reference makes absolutely no disclosure of a website where electronic coupons are posted and then can be electronically selected. However, the Fajkowski reference specifically discloses such an website in Col 29, lines 45-67 where it is disclosed that users can browse coupons posted on an Internet site.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

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*SVB*  
jvb